

REMARKS/ARGUMENTS

This is a supplementary amendment. It may be entered for several reasons.

- The amendments address only formalities. They do not affect scope in any way that affects the issues already searched, and the amendments reduce issues for appeal. The amendment qualifies for entry under 37 C.F.R. § 1.116(b)(2).
- The Office Action of June 2007 is incomplete and unclear, and therefore may not be “final” under 37 C.F.R. § 1.116(b) because it fails to “clearly [state] the reasons in support thereof,” as discussed in the “Request for Completion of Office Action Pursuant To MPEP § 710.06” filed herewith. Final rejection is premature.
- The Office Action raises a new reference against the claim language “a commission payable ... based at least in part on ... the time [of the trade], day [of the trade], location of a trade” This language is essentially identical in scope to the language originally examined. The new ground of rejection and new introduction of the Hawkins ’146 patent was not “necessitated” by a purely grammatical amendment. Final rejection is premature under MPEP § 706.07(a) (rejection should not be final “where the examiner introduces a new ground of rejection that is [not] necessitated by applicant’s amendment of the claims”), and prosecution may not be closed.
- Because the Office Action of June 5, 2007 is recalled by virtue of the “Request for Completion of Office Action Pursuant to MPEP § 710.06,” the application is not under final rejection.

Applicant respectfully submits that the claims are in condition for allowance. Applicant requests that the application be passed to issue in due course, and if not allowed, at least examined in accordance with PTO rules. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this reply timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-3938, Order No. 01-1016.

Respectfully submitted,

ESPEED, INC.

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By: /David E. Boundy/
Registration No. 36,461

eSpeed, Inc.
110 East 59th St.
New York, NY 10022
(212) 294-7848
(917) 677-8511 (FAX)